Application No. 09/895,145
Amendment dated April 14, 2005
Response to Office Action of December 14, 2004

Atty. Docket No. 02717.P046
Examiner Nawaz, Asad M.
TC/A.U. 2155

Remarks

The Applicant respectfully requests reconsideration of the present U.S. Patent application as amended herein. No claims have been added, withdrawn, amended, or cancelled. Thus, claims 1-13 remain pending in the application.

Figures

The figures were objected to because item 240 in FIG. 2 was not legible. In response, the Applicant has submitted a replacement for FIG. 2 that cures this deficiency. The Applicant respectfully requests that the objection to the figures be withdrawn.

Claim Rejections § 102

Claims 1-3 and 9-13 were rejected under 35 U.S.C. § 102(e) as being anticipated by published U.S. Patent Application No. 2001/0048661 in the name of Clear (*Clear*). For at least the reasons set forth below, the Applicant submits that claims 1-3 and 9-13 are not rendered anticipated by *Clear*.

The Manual of Patent Examining Procedure ("MPEP"), in § 2131, states:

> "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 869 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Thus, under 35 U.S.C. § 102, a claim is anticipated *only if* each and every element of the claim is found in the cited reference and the cited reference must show the invention in as complete detail as contained in the claim.

Claim 1 recites:

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> **assigning a VLAN participating in an SRP** to a membership in a
> VLAN domain, the VLAN domain having a master VLAN;
>
> establishing a default route for the membership of the VLAN
> domain as determined by a virtual router with which the master VLAN is
> associated; and
>
> routing traffic for the VLAN in accordance with the domain master
> VLAN's default route.

(Emphasis added).

Clear is directed to the problem of providing multi-protocol redundant router

protocol support. See, e.g., paragraph 6. In particular, *Clear* discloses a system for

supporting both the Hot Standby Router Protocol (HSRP) and the Virtual Router

Redundancy Protocol (VRRP). See, e.g., paragraph 17. Regarding claim 1, the Office

action directs the Applicant's attention to paragraphs 3, 4, 19, 22, 23, and 47. The

Applicant respectfully notes that these paragraphs are cited without specifying how they

apply to the limitations of claim 1.

The Applicant notes, however, that the cited paragraphs of *Clear* do not disclose

VLANs. For at least the reason that the cited passages of *Clear* do not disclose VLANs,

they cannot disclose "assigning a VLAN participating in an SRP to a membership in a

VLAN domain, the VLAN domain having a master VLAN," as recited in claim 1. In

fact, the only references to VLANs that the Applicant can find in *Clear* relate to a data

unit having a destination address that is a VLAN ID. VLAN domains and assigning a

VLAN ... to a membership in a VLAN domain are, however, not mentioned in *Clear*.

Thus, the Applicant respectfully submits that claim 1 is not anticipated by the cited

passages of *Clear*.

Independent claim 11, in part, recites:

> assigning an end-host to **a host-specific port** of a first router
> supporting a virtual router in an SRP...

(Emphasis added). In rejecting claim 11, the Office action states "[c]laim 11 contains

essentially the same limitations presented in claims 1 and 3 above and thus is rejected

under the same rationale." The Applicant respectfully notes that the passages of *Clear*

cited against claims 1 and 3 (e.g., 3, 4, 19, 20, 22, 23, and 47) do disclose a host-specific

port. Since the cited passages of *Clear* do not disclose a host-specific port, they cannot

disclose "assigning an end-host to **a host-specific port** of a first router supporting a

virtual router in an SRP," as recited in claim 11. Thus, the Applicant respectfully submits

that claim 11 is not anticipated by the cited passages of *Clear*.

Claims 2-3 and 9 depend from claim 1. Claims 12-13 depend from claim 11. For

at least the reason that dependent claims include the limitations of the claims from which

they depend, the Applicant submits that claims 2-3, 9, and 12-13 are not anticipated by

Clear.

Claim Rejections § 103

Dependent claims 4-8 were rejected under 35 U.S.C. § 103(a) as being

unpatentable over the combination of *Clear* and Request for Comments (RFC) 2281.

Claims 4-8 depend from claim 1 and include the limitations of claim 1. For at least the

reasons set forth below, the Applicant submits that claims 4-8 are not rendered obvious

by *Clear*.

The Manual of Patent Examining Procedure ("MPEP"), in § 706.02(j), states:

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be both found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

(Emphasis added). Thus, the MPEP and applicable case law require that the Office action establish that a combination of references teach or suggest **all of the claim limitations** of rejected claims to sustain an obviousness rejection under 35 U.S.C. § 103. As shown below, Applicants respectfully submit that the Office action does not establish a *prima facie* case of obviousness.

RFC 2281 is cited as teaching the use of "an SRP message" to a virtual router. Whether or not RFC 2281 discloses the limitations cited by the Office action, it does not teach or suggest "assigning a VLAN participating in an SRP to a membership in a VLAN domain, the VLAN domain having a master VLAN," as recited in claim 1. Because neither *Clear* nor RFC 2281 teaches or suggests the above-cited claim limitations, no combination of *Clear* with RFC 2281 teaches or suggests the invention as recited in claim 1. For at least the reason that dependent claims include the limitations of the claims from which they depend, the Applicant submits that claims 4-8 are not rendered obvious by *Clear* in view of RFC 2281.

Conclusion

The Examiner is respectfully requested to contact the undersigned by telephone if

such contact would further the examination of the present application. Please charge any

shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

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Philip A. Pedigo
Reg. No. 52,107

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(503) 684-62

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